

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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LEGAL CAPITAL GROUP, LLC,

Plaintiff,

v.

SEAN R. CALLAGY, THE LAW  
OFFICES OF SEAN R. CALLAGY,  
ESQ., LLC, and CALLAGY LAW PC,

Defendants.

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**Civil Action No. 20-5124 (JXN) (MAH)**

**ORDER**

**NEALS, District Judge:**

This matter comes before the Court on Defendants Sean R. Callagy, the Law Offices of Sean R. Callagy, Esq. (LLC), and Callagy Law PC's (together, "Defendants") partial motion to dismiss and strike Plaintiff Legal Capital Group, LLC's ("Plaintiff") second amended complaint (ECF No. 27) (the "Second Amended Complaint") filed pursuant to Federal Rule of Civil Procedure 12(b)(6) (ECF No. 73);<sup>1</sup> Defendants' motion to dismiss Count One of the Second Amended Complaint filed pursuant to Federal Rule of Civil Procedure 12(b)(1),<sup>2</sup> and 12(b)(6) (ECF No. 86); and Plaintiff's motion for sanctions filed pursuant to Federal Rule of Civil Procedure 11 (ECF No. 98).

The parties filed their respective oppositions and replies. Specifically, Plaintiff opposed Defendants' motion to dismiss and strike. (ECF No. 75). Defendants replied. (ECF No. 77). Plaintiff opposed Defendants' motion to dismiss Count One. (ECF No. 95). Defendants replied. (ECF No. 96). Defendants opposed Plaintiff's motion for sanctions. (ECF No. 103). And Plaintiff

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<sup>1</sup> Defendants did not move to dismiss Count Two.

<sup>2</sup> Defendants withdrew their 12(b)(1) argument. (ECF No. 96 at n.2).

replied. (ECF No. 104). Jurisdiction and venue are proper pursuant to 28 U.S.C. §§ 1332 and 1391(b), respectively. The Court having considered the parties submissions, and having held oral argument on March 12, 2024, and for the reasons set forth on the record;

**IT IS** on this 13th day of March, 2024,

**ORDERED** that the motion to dismiss and strike (ECF No. 73) is **GRANTED** as to Counts Three, Four, Five, Seven, Eight, Nine, and Ten, which are **DISMISSED without prejudice**; it is further

**ORDERED** that the motion to dismiss and strike is **DENIED** as to Counts One and Six; and **DENIED** as to the request to strike the Second Amended Complaint's ad damnum clause seeking \$18 million in damages; it is further

**ORDERED** that within 30 days hereof, Plaintiff may file an amended complaint consistent with the reasons set forth on the record; it is further

**ORDERED** that Defendants' motion to dismiss Count One of the Second Amended Complaint (ECF No. 86) is **DENIED**; and it is further

**ORDERED** that Plaintiff's motion for sanctions (ECF No. 98) is **DENIED**.

s/ Julien Xavier Neals  
**JULIEN XAVIER NEALS**  
United States District Judge